United Nations A/67/931

General Assembly

Distr.: General
15 July 2013

Original: English

**Sixty-seventh session**
Agenda item 69 (a)
**Promotion and protection of human rights: implementation of human rights instruments**

# Protection of and assistance to internally displaced persons: situation of internally displaced persons in the Syrian Arab Republic

## Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, in accordance with General Assembly resolutions 67/262 and 66/165 and Human Rights Council resolutions 6/32 and 23/8.

13-39332 (E) 090813

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# Report of the Special Rapporteur on the human rights of internally displaced persons

*Summary*

The present report provides an overview of the serious humanitarian, protection and human rights situation of internally displaced persons in the Syrian Arab Republic, and an analysis of the continuing challenges in meeting the urgent needs of affected communities. It also outlines a number of key considerations to guide the development of strategies for future durable solutions, and a set of preliminary recommendations.

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# I. Introduction

1. On 15 May 2013, in its resolution 67/262 on the situation in the Syrian Arab Republic, the General Assembly requested the Special Rapporteur on the human rights of internally displaced persons to submit to it within 90 days a report on the dire situation of internally displaced persons in that country in terms of safety and their basic rights and livelihoods, and to provide recommendations with a view to meeting assistance and protection needs and strengthening the effectiveness of the international response to displacement (para. 21).

2. The present report, submitted in response to that request, provides an overview of the humanitarian, protection and human rights situation of internally displaced persons in the Syrian Arab Republic, an analysis of key challenges to meeting the urgent needs of affected communities and considerations to guide frameworks for future durable solutions, as well as a set of preliminary recommendations.

3. The Special Rapporteur would like to express his appreciation to the General Assembly for the opportunity to present the report, and to all stakeholders and counterparts who contributed information. He takes note of the written inputs provided by the Government of the Syrian Arab Republic, the remarks made by the Government during meetings with the Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva and its invitation to visit the Syrian Arab Republic.

# II. Mandate of the Special Rapporteur and methodology

4. The present report is submitted in accordance with the mandate of the Special Rapporteur as set out in General Assembly resolution 66/165 and Human Rights Council resolution 23/8. The analysis and recommendations of the Special Rapporteur are based on the Guiding Principles on Internal Displacement,[1] a human rights-based approach and the general framework of international human rights, refugee and humanitarian law. The Special Rapporteur notes that the Guiding Principles have been widely accepted and internationally recognized as an important international framework for the protection of internally displaced persons, including by Heads of State and Government assembled in New York for the 2005 World Summit, and at subsequent international forums.[2]

5. The report has been prepared on the basis of a comprehensive desk review of existing information and analysis of the humanitarian, human rights and displacement situation in the Syrian Arab Republic, and on briefings and written inputs by a variety of stakeholders, including United Nations counterparts, international organizations, the Government of the Syrian Arab Republic and civil society organizations. Owing to the deterioration of security in the Syrian Arab Republic and the timeline for the submission of the report, the Special Rapporteur regrets that it was not possible to conduct a country visit. While some examples of humanitarian programmes and responses have been provided for some sectors, a full account was not possible within the scope of the present report. Detailed information on sectoral activities by

[1] E/CN.4/1998/53/Add.2.

[2] General Assembly resolutions 60/1 and 62/153; Human Rights Council resolution 6/32, para. 5.

humanitarian actors is available from regular updates provided by specialized agencies, funds and programmes, and by sector leads.

# III. Context

## A. Political and military context

6. The conflict in the Syrian Arab Republic has escalated into an internal armed conflict with far-reaching human, social and economic consequences, as well as regional and geopolitical dimensions. The nature and scope of international human rights and humanitarian law violations provide increasing indications of war crimes and crimes against humanity being committed by Government forces, and war crimes by dissident armed groups, causing the displacement of close to 6 million civilians, both within and outside the country. Indiscriminate attacks on densely populated areas continue, as do sieges, collective punishments and forcible displacement as a tactic of war,[3] and at least 93,000 people have been killed.[4] Reports on the use of chemical or biological weapons have prompted the decision of the Secretary-General to request an investigation into those allegations.[5]

7. The erosion of political authority, the rule of law and the capacity of the Government to provide basic services and ensure security in areas under its effective control, as well as the increasing divisions among dissident armed groups,[6] is contributing to an ever more unstable and fractious environment. There are indications of increased reliance by the Government on militia or paramilitary forces, which the Government has coalesced into the National Defence Army.[7] There are also reports of an increasing number and variety of foreign fighters and militant factions in the Syrian Arab Republic, including Hizbullah elements from Lebanon, on the side of the Government, and the Jabhat Al-Nusra faction, associated with Al-Qaida in Iraq, on the anti-Government side. The latter is reportedly gaining influence among a growing number of dissident armed groups within the country and regional extremist groups, raising concerns that the war in the Syrian Arab Republic has become a forum for terrorism and the global jihadist cause.[8]

8. The participation of foreign fighters in the Syrian Arab Republic and foreign financial or material support provided to some of the armed groups have highlighted the regional dimensions of the conflict. Significant military or political repercussions of the war have already been felt in Lebanon, Turkey, Jordan and Iraq. Some neighbouring countries also fear the effects of the Syrian conflict and the influx of Syrian refugees on their domestic politics, economy and community

[3] See A/HRC/23/58, summary.

[4] Office of the United Nations High Commissioner for Human Rights (OHCHR), news release "Updated United Nations study indicates at least 93,000 people killed in Syria conflict", 13 June 2013.

[5] See General Assembly resolution 67/262, seventeenth preambular paragraph.

[6] A/HRC/23/58, para. 12.

[7] Ibid., para. 22.

[8] Ibid., para. 14.

relations, raising concerns about the temporary or permanent closure of borders for refugees seeking safety.[9]

9. Political initiatives at the domestic level, such as the Syrian National Dialogue Forum launched on 24 March 2013 to promote national reconciliation and Presidential Decree No. 23 of 16 April 2013 providing the terms for an amnesty, have not increased momentum towards a political solution.[10] International initiatives are also likely to impact on the conflict. In April 2013, the European Union eased Syrian oil sanctions, a measure which, while alleviating humanitarian needs, is accompanied by reports of infighting among armed groups for control over oil fields in Dayr al-Zawr and al-Hasakah. The European Union also allowed a ban on deliveries of weapons to the Syrian opposition to lapse, raising the prospect of further proliferation of weapons within the Syrian Arab Republic and the region,[9] and the potential for escalation of the conflict. Simultaneously, diplomatic efforts continue to be undertaken. An international conference was announced for June 2013 (Geneva II), intended as a follow-up to the conference of the previous year, a joint political initiative of the Russian Federation and the United States of America that led to the final communiqué issued by the Action Group for Syria on 30 June 2012.[11] However, at the time of writing, those plans had not been finalized.

## B. Socioeconomic and humanitarian context

10. According to United Nations estimates, as of July 2013, there were 6.8 million people in need of humanitarian assistance in the Syrian Arab Republic, representing nearly one in three Syrians. Of that group, 60 per cent were internally displaced persons and over 3 million were children. A further 1.7 million people had sought refuge in neighbouring countries and North Africa.[12]

11. However, precise information on the extent of humanitarian needs in the Syrian Arab Republic continues to be difficult to obtain owing to challenges in accessing and monitoring affected populations and rapidly changing environments. For instance, in contrast to the 6.8 million figure mentioned above, a May 2013 report of an assessment in northern Syria found that 10.5 million people were living in areas where access to essential goods, services and security was considerably compromised, leaving them in need of assistance.[13]

12. All indications suggest that humanitarian needs have risen dramatically as a result of large-scale displacement, the destruction of infrastructure such as schools and hospitals and the unravelling of essential public services. Needs are most acute in densely populated areas affected by violence and in locations hosting high numbers of internally displaced persons. Categories of affected persons considered to have particularly urgent needs include people located in or near areas subject to armed activities; internally displaced persons; host families and communities;

[9] Syria Needs Analysis Project, "Regional analysis Syria", 30 May 2013 (Assessment Capacities Project (ACAPS)). Available from http://www.acaps.org/en/pages/syria-snap-project.

[10] A/HRC/23/58, para. 10.

[11] A/66/865-S/2012/522.

[12] Office for the Coordination of Humanitarian Affairs, *Humanitarian Bulletin: Syria*, Issue 28, 18 June-1 July 2013.

[13] Assessment Working Group for Northern Syria, "Joint rapid assessment of northern Syria II: final report", 22 May 2013.

destitute persons in urban and rural areas suffering from the socioeconomic impact of the crisis and economic sanctions; and affected Palestine refugees in the Syrian Arab Republic.[14]

# IV. Overview of internal displacement

## A. Extent and patterns of internal displacement

13. According to United Nations estimates at the time of writing, there were at least 4.25 million internally displaced persons in the Syrian Arab Republic,[12] with the majority in the most affected Governorates of Aleppo, Rural Damascus, Homs, Idlib and Dayr al-Zawr. This represents more than double the number of the estimate of 2 million internally displaced persons in January 2013. The displaced population consists predominantly of women, children and elderly persons.

14. Patterns of displacement continue to be large-scale and fluid, with entire families being displaced multiple times owing to the geographic expansion of the conflict and the shifting of front lines. Most internally displaced persons flee their homes without the opportunity to take their personal effects, household items or documentation. The majority (85 per cent) stay with relatives, friends and host communities, who provide the bulk of available support.

15. Many hosting areas, often in urban centres, have seen a large increase of their populations as a result of the influx of internally displaced persons. This has overstretched life-sustaining urban services to the point of potential or actual collapse, raising risks for the entire local population. While there are reports that thousands of refugees are returning from neighbouring countries,[15] perhaps to check on their homes or for lack of alternatives, no concrete information is available on their motives or needs, and it is likely that some are returning to a situation of internal displacement, owing to ongoing insecurity in areas of origin, the destruction of homes or the presence of explosive remnants of war. Tracking exact data on internally displaced person movements and obtaining disaggregated data, for example, according to age and sex, remains difficult owing to the fluidity of the situation, constraints to humanitarian access and the lack of available detailed Government data.

### Main drivers of displacement

16. Gross violations of international human rights and international humanitarian law by Government forces and dissident armed groups continue to be key drivers of internal displacement. According to the Independent International Commission of Inquiry on the Syrian Arab Republic, the violations, which are in breach of the principle of distinction between civilians and those taking an active part in hostilities and contrary to common article 3 of the Geneva Conventions, include, inter alia, the indiscriminate use of weapons, aerial bombardments and ground

[14] Government of the Syrian Arab Republic and others, "Revised Syrian Humanitarian Assistance Response Plan, January-December 2013".

[15] For example, see "9,000 Syrian refugees left Jordan for home in June", *The Daily Star* (Lebanon), 25 June 2013; see also sect. VII, para. 52.

attacks on civilian locations.[16] In addition to indiscriminate attacks against civilians, there are indications that targeted human rights and humanitarian law violations conducted on discriminatory grounds, that is, geographic origin, religious, political or other perceived affiliation, are also an increasing cause of mass displacement.[17] Fear of such attacks and rhetoric inciting to violence are raising concerns about the growing sectarian nature of the conflict and the potential for even greater pre-emptive movements. Fear of sexual violence has also been found to be a trigger in the displacement of families.[18] In addition, the Commission documented, for the first time, the imposition of forced displacement in the context of indiscriminate and sectarian attacks and, in particular, the forced displacement by Government forces at sites where internally displaced persons had sought refuge (for example, Dayr Atiyah in April 2013). They found that attacks in the form of indiscriminate bombardment of civilian locations were widespread in the Syrian Arab Republic and were undertaken by Government forces pursuant to an organizational policy. The Commission concluded that such instances of forced displacement constituted a crime against humanity and/or a war crime.[19]

## B. Secondary causes of displacement

17. Violations of international humanitarian rights and humanitarian law and the lack of security are no longer the sole reasons for displacement, as an increasing number of internally displaced persons are forced to flee as a result of the secondary effects of conflict. The massive destruction of homes in certain areas, the disruption of basic services, including water, health care and sanitation, and the loss of livelihoods is depriving many Syrians of their ability to meet their most basic needs and forcing them to seek assistance and refuge in other locations within and outside of the Syrian Arab Republic.

# V. Protection from forced displacement

18. As the international framework for protection of and assistance to internally displaced persons, the Guiding Principles on Internal Displacement provide standards and principles to be applied at all stages of displacement, including prevention, during displacement itself and with regard to durable solutions to displacement. The information presented in sections V, VI, VIII and IX has been analysed within the overall framework of the Guiding Principles.

### Duty of due diligence: prevention, mitigation and addressing root causes

19. The ongoing violations of international human rights and humanitarian law in the Syrian Arab Republic are clearly in breach of the Guiding Principles. In particular, the indiscriminate attacks on civilians and the mass human rights violations by Government and dissident armed groups over the last two years are in breach of Guiding Principles 5 through 8 relating to protection from forced

[16] A/HRC/23/58, paras. 149-151 and 154-156.

[17] Ibid., paras. 38-50, 51-57 and 64-69.

[18] 6949th meeting of the Security Council, 18 April 2013, statement by the Special Representative of the Secretary-General on sexual violence in conflict (S/PV.6949).

[19] A/HRC/23/58, paras. 149-151.

displacement and, more specifically, the duty to refrain from creating conditions that can lead to displacement. Threats or attacks against locations where internally displaced persons have found refuge are also contrary to Guiding Principle 10 (2). While both State and non-State actors, such as paramilitary and dissident armed groups, have responsibilities under the Guiding Principles, national authorities have the primary duty to ensure the human rights of persons in their jurisdiction and to provide protection and humanitarian assistance to internally displaced persons (Guiding Principle 3). Those obligations include the duty to respect human rights and humanitarian law (Guiding Principle 5); the duty to exercise due diligence to protect human rights, by taking all feasible measures to avoid or minimize displacement (Guiding Principles 6 and 7), for example, by adopting appropriate military strategies, addressing underlying causes of displacement and/or engaging with relevant groups and stakeholders on political solutions; and the duty to provide an effective remedy, such as compensation or the facilitation of durable solutions for internally displaced persons (Guiding Principles 28 and 29).

20. On the basis of available information, it appears that the Government of the Syrian Arab Republic has not discharged its responsibilities in the preceding respects. According to the Commission, the documented violations of international human rights and humanitarian law, which have led to mass displacement, are consistent and widespread evidence of a concerted policy implemented by the leaders of the military and Government of the Syrian Arab Republic. Moreover, they have made no convincing efforts to bring those responsible to justice. The Commission found that dissident armed groups also committed war crimes, and that commanders were either directly involved in them or failed to take the appropriate disciplinary steps.[20]

# VI. Protection of and assistance to internally displaced persons and affected communities during displacement

## A. Recent developments and responses to the crisis

21. While the provision of life-saving humanitarian assistance has expanded over time, it remains inadequate and unable to match the pace of rapidly escalating humanitarian needs in the Syrian Arab Republic. The United Nations and its partners continue to undertake significant efforts to reach and assist internally displaced persons and those hosting them, including, since early 2013, a systematic approach employing inter-agency cross-line convoys which has enabled access to previously inaccessible or difficult-to-access locations, including Aleppo, Hama, Homs, Idlib, Dara'a and Dayr al-Zawr. The United Nations has also expanded humanitarian access through additional local partnerships and the establishment of humanitarian hubs in Homs and Tartus.

22. The United Nations and humanitarian partners developed the Syrian Humanitarian Assistance Response Plan in consultation with the Government. A revised Plan for 2013 was launched in June 2013 to extend the time frame of the response plan and address the deteriorating humanitarian situation. Funding requested

[20] See A/HRC/19/69, paras. 69 and 126, and A/HRC/23/58, paras. 154-156.

to meet the needs identified in the Plan totalled 1.41 billion United States dollars, of which approximately $500 million had been received as at 28 June 2013.[21]

23. The objectives of the Plan have been expanded to include such areas and activities as advocacy for the protection of civilians, especially persons with specific needs; early recovery, livelihoods and rehabilitation of public services; and enhancement of the operational capacity of national and international humanitarian responders. A significant step forward in this regard would be the development of implementation strategies by relevant actors towards these elements of the response to the Syrian crisis. Such efforts would require the continued dedication of humanitarian actors and the complementary but distinct voices and strategies of a variety of other actors. Moreover, although humanitarian activities are essential to saving lives and reducing suffering, parallel commitments to ensuring respect for international human rights and humanitarian law and to finding a political solution to the conflict are fundamental to addressing the causes of humanitarian suffering and displacement and bringing about an environment conducive to peace and early recovery.

## B. Priority needs

### 1. Protection

24. Internally displaced persons face significant protection concerns in relation to the ongoing conflict, both during flight and in displacement. Given the near absence of areas providing safety, they are often at risk of being subjected to continued violence, including indiscriminate attacks, targeted attacks on particular communities and attacks, or threats thereof, against locations where they have sought refuge.[22] Those acts are in contravention of international human rights and humanitarian law and Guiding Principles 5, 6, 10 and 11.

25. A number of other protection risks also affect internally displaced persons in particular, including the separation of families during flight, and increased risks of harassment, sexual violence and human trafficking (see sect. VIII). The presence of explosive remnants of war in areas they are travelling through during their flight, in displacement or upon return, is a further protection risk.

26. Increasingly, there are serious concerns regarding restrictions on entry imposed by neighbouring countries on Syrians fleeing the country, undermining the right of internally displaced persons to seek asylum, contrary to Guiding Principle 15 (c).[23] As a result, tens of thousands of Syrians have been forced to settle in makeshift internally displaced person camps in the border areas of Turkey and Iraq. The protection risks associated with the camps are illustrated by incidents such as the shelling of the border area with Turkey.[24]

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[21] Office for the Coordination of Humanitarian Affairs, *Humanitarian Bulletin: Syria*, Issue 28, 18 June-1 July 2013.

[22] For example, during fighting in Al Wa'er, a suburb of Homs, in May 2013.

[23] Amnesty International, "People on the move: 'For many displaced Syrians, going back home is out of the question'", 22 May 2013; Reuters, "Plight of Syrian refugees stranded near Jordan border worsens", 29 May 2013.

[24] Information provided by the Department of Safety and Security, 30 April 2013; Reuters, "Syrian air strike on Turkish border kills five", 30 April 2013.

27. The protection response by humanitarian actors to date has largely focused on community services, such as psychosocial support, social counselling and community empowerment, broad activities in connection with groups with specific needs such as children and the prevention of and response to sexual and gender-based violence.

### 2. Food

28. The overall food security situation in the country has deteriorated and an increasing number of people are in need of emergency food assistance. A 2012 assessment estimated that 4 million people were considered food insecure.[25] However, a 2013 assessment in the northern Syrian Arab Republic found that 8.9 million people lived in areas where food security and livelihood opportunities were insufficient,[26] indicating that the situation may be more serious.

29. Moreover, severe effects on the livestock sector and a decrease in cereal production are predicted to raise the food needs to a level beyond the response capacity of humanitarian actors.[25] The disruption of food supply networks and access to markets has contributed to a sharp increase in food prices and related costs, such as fuel. Internally displaced persons are particularly affected by the increasing prices for staple foods such as bread, as most have lost their income and livelihoods as a result of displacement. If people cannot be reached with timely assistance, as a result of access constraints, internal displacement is likely to increase as people will move in search of livelihoods and ways to survive.

30. Humanitarian actors have significantly scaled up the distribution of food over the last year. As of June 2013, the World Food Programme (WFP), in partnership with the Syrian Arab Red Crescent (SARC) and local charities, had dispatched food assistance to 2.25 million people across the country.[27] By the end of 2014, WFP plans to increase this to 4 million people, although distribution continues to depend on security conditions. The World Food Programme also addresses sudden surges in humanitarian needs. In June, it responded to the urgent food needs of 13,500 internally displaced persons fleeing the conflict in al-Qusayr.[28] The Food and Agriculture Organization of the United Nations (FAO) has reached 55,000 small-scale farmers and herders since January 2013 with emergency support programmes.[29]

### 3. Shelter and non-food items

31. An estimated 1.2 million houses have been damaged or destroyed, accounting for one third of the housing stock in the Syrian Arab Republic. Housing damage has mostly affected informal settlements (inhabited by the economically disadvantaged) in such conflict areas as Homs, Damascus, Aleppo, Dara'a and Dayr

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[25] Government of the Syrian Arab Republic and others, "Revised Syrian Humanitarian Assistance Response Plan, January-December 2013", sect. 3.1.

[26] Assessment Working Group for Northern Syria, "Joint rapid assessment in northern Syria II: final report", 22 May 2013.

[27] Office for the Coordination of Humanitarian Affairs, *Humanitarian Bulletin: Syria*, Issue 28, 18 June-1 July 2013; "World Food Programme's response inside Syria and in neighbouring countries: Jordan, Lebanon, Turkey, Iraq and Egypt", 18 May-5 June 2013.

[28] Office for the Coordination of Humanitarian Affairs, *Humanitarian Bulletin: Syria*, Issue 27, 4-17 June 2013.

[29] Ibid., Issue 25, 7-20 May 2013.

al-Zawr.[30] For those that have fled or lost their homes there are few housing options. While the majority of internally displaced persons in the country (85 per cent) live with host families, those families are themselves surviving on very limited resources. Increasingly, internally displaced persons are staying in public collective shelters or makeshift accommodations in abandoned houses, unfinished buildings, tented camps and public buildings, including schools, sports centres and hospitals. According to the Ministry of Local Administration, as at 21 May 2013, there were 173,401 internally displaced persons hosted in over 850 official Government collective shelters across the Syrian Arab Republic, accounting for 4 per cent of the total.[31]

32. There are concerns that communal centres, which are not supported by the Government or local authorities, are overcrowded and lack access to clean water, electricity, insulation, sanitation and waste management facilities, increasing the risk of disease outbreaks. An assessment in the northern Syrian Arab Republic found that internally displaced persons staying in collective shelters, especially women and girls, who lack privacy and access to adequate sanitation, face the biggest risks across all sectors.[26]

33. Some rehabilitation of collective shelters is being undertaken: implementing partners of the Office of the United Nations High Commissioner for Refugees (UNHCR) have begun the rehabilitation of 83 collective shelters; the International Organization for Migration (IOM) is finalizing an agreement with the Ministry of Local Administration on 68 collective shelters; and the Syrian Society for Social Development is expected to deliver shelter sealing-off kits to help to improve conditions for families in Homs.[28] Overall, the inter-agency working group on shelter is targeting more than 400 sites for shelter assistance in 2013.

34. Families that rented houses in less affected areas in the past are finding it increasingly difficult to continue to pay rent owing to the depletion of their resources. More sustainable housing solutions and absorption capacity must be developed urgently for host communities and internally displaced persons living on their own or with host families, as well as those living in overcrowded communal shelters.

35. Many internally displaced persons were forced to flee without any household items and are in urgent need of such basic non-food items as mattresses, blankets, hygiene kits and kitchen sets. As of the end of June 2013, UNHCR had assisted 1.2 million internally displaced persons with non-food items and had also implemented a one-time cash assistance scheme to help families (26,000 internally displaced persons) meet basic needs. In anticipation of winter, timely access to internally displaced persons and other persons of concern in order to provide them with winterization items will be vital to their survival.

### 4. Urgent needs in other sectors

#### (a) Health

36. The Syrian Humanitarian Response Plan describes the needs in the health sector as growing exponentially as a result of the large numbers of injured and the heavy damage incurred to the Syrian health system; at least 57 per cent of public

[30] Independent Media Review and Analysis, "UN report: third of Syrian housing stock damaged by conflict", 11 April 2013.

[31] Data provided by the Government of the Syrian Arab Republic, 12 June 2013.

hospitals have been destroyed or damaged, the majority of ambulances are either damaged or not working and local production of medicine has fallen by 90 per cent.[25] Health needs are described as immense, including in the northern Syrian Arab Republic where Doctors Without Borders operates five health facilities. While trying to provide other services beyond assisting the war-wounded, the organization stresses that its activities are very limited, given the scale and diversity of medical needs. It reports being constrained by many factors: the targeting of medical personnel and health facilities; the non-issuance of work authorizations; increasing restrictions on delivery of aid; and attacks on humanitarian convoys.[32] An assessment in the northern Syrian Arab Republic found access to health services to be the most severe problem, with 10.3 million people, including internally displaced persons, living in areas where health services were insufficient. The report highlighted, in particular, the need for medicines, ambulances, health facilities and medical equipment, especially in areas with large influxes of internally displaced persons; and the need in high-intensity conflict areas for surgeons and emergency doctors, and increased capacity of first responders to conduct triage.[26]

37. Funds required for priority life-saving needs for the health sector in the Syrian Arab Republic are estimated at $177 million.[33] The World Health Organization has warned of serious public health risks related to the breakdown of the water supply system, which impacts on hygiene practices, creating the risk of epidemic disease outbreaks, particularly in densely populated areas and collective shelters where internally displaced persons live. This risk is increased by the low immunization coverage, lack of hygiene services, and disruption of solid waste collection and disposal.[25] Health-care related assistance includes, inter alia, vaccination campaigns, mobile health services and the provision of essential medicines and surgical supplies, reproductive health-care support and emergency health kits, by a variety of actors (for example, WHO, UNHCR, the United Nations Population Fund (UNFPA) and Doctors Without Borders). Despite those deliveries however, access to hospitals in hard-to-reach areas remains a challenge owing to Government restrictions.[34] Mental health services and psychosocial support also represent significant needs among internally displaced persons, particularly for women and children, given reports of trauma, sexual and gender-based violence and violence against children.

### (b) Water and sanitation

38. The level of water availability per capita in the Syrian Arab Republic has decreased by one third in relation to the level before the conflict and continues to decline due to damage to water systems. In particular, disruptions at water treatment plants and shortages of chlorine have increased levels of discharge of untreated waste water, contaminating ground and surface water and affecting the safety and quantity of drinking water. As a result, the water supply is intermittent and obtained from other potentially unsafe and untreated sources; water provided by private water trucks is uncontrolled. The situation has been exacerbated by an increase in population density in communities hosting internally displaced persons. In

[32] Mego Terzian, President, Doctors Without Borders, speech delivered to the United Nations donor conference on the Syrian Arab Republic, 7 June 2013.

[33] Director-General of WHO, "Humanitarian appeal for Syrian Arab Republic", speech delivered at Geneva, 7 June 2013.

[34] Office for the Coordination of Humanitarian Affairs, *Humanitarian Bulletin: Syria*, Issue 25, 7-20 May 2013, and Issue 28, 18 June-1 July 2013.

collective shelters and private accommodations, internally displaced persons also generally live in poor conditions, without adequate access to safe drinking water or sanitation facilities.[25]

**(c) Nutrition**

39. There are serious indications that a combination of factors is contributing to a deteriorating nutritional situation for children under five, and for other vulnerable persons such as lactating women and adolescent girls.[25] According to information received, the conflict is undermining the treatment of an estimated 100,000 children under five years of age already suffering from acute malnutrition and the prevention of undernutrition of nearly 870,000 children of the same age and 300,000 lactating women. Displaced families are struggling to maintain an adequate diet and provide the complementary food necessary for young children.[35] Factors such as lack of food and privacy in collective living areas, together with stress, have also negatively affected child feeding practices, such as breastfeeding.[26] Nutritional requirements are a priority with regard to baby milk, as are approaches to facilitating and promoting breastfeeding, particularly in view of the obstacles to the safe preparation of baby milk and artificial feeding in emergency situations. A nutritional assessment in areas with large internally displaced person populations is urgently required in order to fully evaluate and respond to their situation and that of host communities.

**(d) Education**

40. Many internally displaced children have limited or no access to education as a result of insecurity, the reluctance of parents to send children to schools owing to the fear of shelling and lack of financial means; girls have been particularly affected. According to information received, there are indications that nearly half of all internally displaced children have dropped out of school, and over 20 per cent of the country's 22,000 schools no longer function because they are damaged, destroyed or serving as shelters for internally displaced persons. Many schools have been occupied by warring parties.[36] In seven Governorates in northern Syria, only 43 per cent of schools were reported to be functional and used for educational purposes.[26] Other challenges include the lack of teachers, the need for school materials and the need to refurbish educational offices that were looted.

41. With the coming of the new school year, education-related needs are expected to grow significantly, especially in communities hosting internally displaced persons. To address some of those needs, the United Nations Children's Fund (UNICEF) and its partners are, inter alia, supporting more than 113,000 children, including internally displaced persons, attending school clubs (providing remedial education); contributing to the rehabilitation of schools and provision of school materials; and planning to install 104 prefabricated classrooms in schools in need of additional learning spaces.[37]

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[35] Office for the Coordination of Humanitarian Affairs, "Syria: humanitarian needs overview", 26 April 2013.

[36] 6949th meeting of the Security Council, 18 April, 2013, statement by the Special Representative of the Secretary-General for children and armed conflict (S/PV.6949).

[37] UNICEF, communication to the Special Rapporteur, 5 June 2013.

## C. Impediments to the delivery of protection and assistance

### 1. Access constraints and security concerns

42. Humanitarian access within the Syrian Arab Republic is impeded as a result of a combination of factors, including security concerns and administrative and operational restrictions. Security-related impediments include active fighting and military operations, lack of respect by parties to the conflict of international humanitarian law, multiplicity and fragmentation of dissident armed groups, and suspicions and misperceptions vis-à-vis humanitarian actors by all sides. Additionally, closure of access routes, formal and informal checkpoints, and interruption of access to warehouses have been persistent obstacles. Troubling trends include the increasing number of humanitarian workers and United Nations staff members who have been killed, injured or kidnapped, and attacks on goods and facilities, including United Nations vehicles.[38] Such actions violate humanitarian principles and international law, take the lives of humanitarian workers and deprive persons in need, including IDPs, of life-saving assistance.

43. As road access along the country's main highways is dependent on the security situation, access to affected populations, including internally displaced persons, is impaired in certain areas, such as the Old City of Homs and Palestine refugee camps, cutting them off from essential assistance for extended periods of time. Access to hot spots and areas under opposition control remains a challenge, since control over territory regularly changes hands and command is characterized by fragmentation.

44. Government and armed dissident groups have failed to provide safe passage for civilians and have cut off movements, thereby hampering supply chains. This is in violation of international humanitarian law and in contradiction to Guiding Principles 15 and 18, which provide that internally displaced persons have the right to seek safety in another part of the country, and that competent authorities are, at a minimum, to ensure safe access for such persons to essential assistance such as food, water and shelter. For example, 276,000 persons in need were effectively cut off from assistance when the Government closed down SARC cross-line operations in Homs (February-March 2013),[38] and 2,000 civilians trapped in the Old City of Homs during bombardments in June 2013 were not given safe passage by the parties to the conflict.[39]

45. A needs assessment of the northern Syrian Arab Republic and the report of the Syrian Needs Analysis Project, dating from May and April 2013, respectively, confirmed that there was a problem with humanitarian access in the north of the country, including Aleppo and Idlib, as well as Rural Damascus, Quneitra, Dara'a, Dayr al-Zawr, and al-Raqqa, as a result of constraints on freedom of movement for humanitarian agencies. Among those constraints were checkpoints, curfews, blockades, active hostilities and damaged infrastructure, as well as interference in humanitarian activities by powerful groups, including armed forces and criminal

[38] 6949th meeting of the Security Council, 18 April 2013, briefing on the Syrian Arab Republic by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator (S/PV.6949).

[39] Office for the Coordination of Humanitarian Affairs, *Humanitarian Bulletin: Syria*, Issue 28, 18 June-1 July 2013.

groups.[40] Cross-border operations have been recommended to the Security Council and the Government as a complementary form of aid delivery.[38]

### 2. Limited humanitarian capacity

46. Humanitarian needs in the Syrian Arab Republic are beyond the present collective capacity of humanitarian actors. More humanitarian partners are needed, which requires easing administrative procedures for local and international humanitarian organizations to work in the country. According to information received, as at 28 June 2013 there were 82 local non-governmental organizations cleared by the Government to work with the United Nations and 14 international non-governmental organizations accredited to work in the country. However, some humanitarian actors are concerned that bureaucratic obstacles have grown since January 2013: the Government-approved list of non-governmental organizations was reduced from the earlier figure of 110; few additional international non-governmental organizations have been approved; and, owing to bureaucratic hurdles, few were operational.[38] To increase capacity, bureaucratic and administrative constraints must be addressed urgently, including restrictions on visas, the importation of telecommunications equipment and armoured vehicles and the delivery of medical equipment to opposition-held areas, as well as the excessive administrative procedures for humanitarian aid delivery and convoys.[41] Lack of such resources as fuel and drivers and the destruction of infrastructure have also created access constraints.

47. Funding is a further potential constraint. While funding in 2013 has improved compared to 2012,[42] there is concern that essential sectors such as non-food items and shelter (3.7 per cent funded), livelihoods and early recovery (13.6 per cent), education (20 per cent), protection and community services (22 per cent), and water supply, sanitation and hygiene (23 per cent), have not been adequately funded to date.[43] Those sectors require urgent attention. There are also concerns regarding the sustainability of humanitarian funding, should the conflict be significantly prolonged. Moreover, even when violence ceases and a political solution is reached, the Syrian Arab Republic will require support for its recovery, given the high levels of destruction to infrastructure and State structures. The international community and donors must develop innovative strategies to address such challenges, including by establishing funding from non-humanitarian budgets.

### 3. Ongoing efforts and strategies

48. Despite the above-mentioned constraints, the United Nations and its partners are seeking to improve access and reach all persons in need, including internally displaced persons, in a variety of ways, including the following:

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[40] Assessment Working Group for Northern Syria, "Joint rapid assessment in northern Syria II: final report", 22 May 2013; Syria Needs Analysis Project, "Regional analysis Syria" (see sect. III, footnote 9).

[41] 6949th meeting of the Security Council, briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, 18 April 2013; Syria Needs Analysis Project, "Regional analysis Syria".

[42] As at end June 2013, the Syrian Humanitarian Assistance Response Plan had received $500,932,726 and was 36 per cent funded.

[43] United Nations communication to the Special Rapporteur, June 2013.

- Negotiations with all parties to the conflict, including State and non-State actors at the central and local levels
- Increased coordination among United Nations agencies in support of inter-agency convoys and dispatches to hard-to-access areas, in addition to regular programmes, including cross-line
- Decentralization of operations through the opening of hubs across the country
- Partnering with an increasing number of local community-based organizations and non-governmental organizations

49. The Special Rapporteur encourages the United Nations humanitarian country team to continue negotiating with the Government of the Syrian Arab Republic with a view to removing impediments hampering access and advocating for unrestricted access and safe passage for civilians wishing to leave conflict areas, and calls upon the Government to respond positively to those negotiations.

### 4. Accessing protection and assistance outside the Syrian Arab Republic

50. While ensuring better access to humanitarian assistance and protection inside the Syrian Arab Republic is a matter of the utmost urgency, such assistance must not be used as a policy, strategic or operational impediment to internally displaced persons and other persons seeking international protection and assistance outside the country. The Special Rapporteur commends neighbouring States that have welcomed Syrian refugee populations to date, and appeals to them to continue to respect the institution of asylum by maintaining an open border policy, the right of internally displaced persons to seek asylum in another country, in line with Guiding Principle 15 and the principle of non-refoulement. The Special Rapporteur also stresses the obligation on the part of all competent authorities, including the Government of the Syrian Arab Republic and dissident armed groups, to respect the right of internally displaced persons to seek safety in another part of the country, to leave their country and to seek asylum, as set out in Guiding Principle 15.

## VII. Position of the Government of the Syrian Arab Republic

51. The Government of the Syrian Arab Republic provided written information to the Special Rapporteur in respect of the present report.[44] The Government stated its position that the Syrian Arab Republic was not suffering from a phenomenon called "internally displaced persons" but rather had been subject to a series of terrorist attacks undertaken by armed outlaws. As such, persons being assisted were referred to as "people who left their homes as a result of the current events". The Government stressed the serious humanitarian repercussions of the sanctions imposed on the Syrian people and highlighted its cooperation with the International Committee of the Red Cross and the United Nations. It also detailed its efforts, such as the establishment of the High Committee for Relief, which is responsible for the immediate response to the needs of affected populations, including families that had left their home and returnees, and the Reconstruction Committee, which is mandated, inter alia, to compensate citizens for property damage and rehabilitate

[44] Government of the Syrian Arab Republic, communications to the Special Rapporteur, 31 May and 12 June 2013, respectively.

damaged infrastructures and public facilities. Other efforts and actions included making public buildings available to be used as temporary shelter centres and providing support to charitable associations assisting affected people.

52. The Government also provided updated figures with regard to persons living in shelters, persons who had returned to Governorates (156,249 families as at 21 May 2013) and assistance provided in the form of food and non-food items. Government recommendations on how best to respond to the urgent humanitarian needs included the following: requesting the international community to fulfil its commitments, and donors to honour pledges made (for example, towards the Syrian Humanitarian Assistance Response Plan); ending the financing provided by certain countries in the region to support the armed gangs, which was prolonging humanitarian suffering; the lifting of sanctions on the Syrian Arab Republic by concerned States, to alleviate suffering; and addressing the situation of the Syrian populations who had been forced to leave their homes in the occupied Syrian Golan. The Government reiterated its invitation to the Special Rapporteur to visit the Syrian Arab Republic, at a mutually convenient time.

## VIII. Particularly vulnerable groups

53. The Special Rapporteur notes key protection and assistance concerns specific to particularly vulnerable internally displaced person groups, including children, women and girls, and Palestine refugees displaced in the Syrian Arab Republic. Owing to limited available information and space constraints, the present report does not cover the serious protection challenges likely to affect other groups of internally displaced persons, such as persons from different religious, national or ethnic groups, and elderly or disabled persons. The Special Rapporteur encourages further work in this area by relevant actors.

### A. Palestine refugees

54. The conflict in the Syrian Arab Republic has taken a heavy toll on the estimated 525,000 Palestine refugees in the country. Palestine refugee camps and neighbourhoods in Aleppo, Damascus, Dara'a, Rural Damascus and Homs have experienced some of the most intense armed engagements of the Syrian conflict, with casualties occurring on a daily basis. According to information received, at least 50 per cent of all Palestine refugees in the Syrian Arab Republic have been displaced once during the conflict, including over 54,000 children, and many have experienced multiple displacements. With limited external flight options into neighbouring countries, the majority have become internally displaced. As of May 2013, over 420,000 Palestine refugees in the Syrian Arab Republic were unable to meet their basic food needs.[45]

55. The civilian character and neutrality of Palestine refugee camps is no longer respected, thereby breaching international law, under which refugees are protected during armed conflict, in all circumstances and without adverse distinction.[46]

[45] Office for the Coordination of Humanitarian Affairs, *Humanitarian Bulletin: Syria*, Issue 25.

[46] Additional Protocol I to the Geneva Conventions, Article 73, United Nations, *Treaty Series*, vol. 1125, No. 17512.

Humanitarian actors report that every Palestine refugee camp in the Syrian Arab Republic has been affected by armed conflict, with shelling and clashes occurring inside settlements or in their immediate vicinity, armed groups establishing their presence inside camps, Government forces positioned at camp entrances and their peripheries and disruptions in access to food and essential supplies as a result of fighting and movement restrictions. Those circumstances have created serious humanitarian needs and provoked conflict-related displacements from Palestine refugee camps, including at Dara'a, Yarmouk, Husseiniyeh, Khan Eshieh, Sbeineh and Seida Zaynab.

56. Although they have remained largely neutral in the conflict, there are concerns that Palestine refugees remain vulnerable to discrimination and are increasingly targeted owing to perceptions that they are affiliated with one or the other party to the conflict.[47] Nearly 46,000 families have had their homes damaged or destroyed. While many have sought temporary shelter in facilities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), such as schools, along with non-Palestinian internally displaced persons, others have been located at non-UNRWA facilities. Their displacement and loss of livelihoods have had a severe impact on their overall resilience and social safety nets and on their access to adequate housing, medical coverage and education services. The Special Rapporteur encourages the efforts of UNRWA in trying to address the latter, including through such measures as temporary health points in areas of displacement and alternative educational facilities. He further notes that migrants and other refugees and asylum-seekers in the Syrian Arab Republic, including those from Iraq, Afghanistan, Somalia and the Sudan, are also vulnerable to the combined effects of conflict, secondary displacement and increasing humanitarian needs.

## B. Children

57. The combined effects of displacement, economic destitution, and family separation have placed internally displaced children at higher risk of various forms of violence and exploitation, including child labour, begging on the street, trafficking, child marriage and sexual exploitation. The Special Rapporteur is concerned by indications that the number of unaccompanied and separated children and children with permanent disabilities, including in internally displaced person communities, may be on the increase.[48] There are also concerns that the additional stress experienced by internally displaced families and communities can, at times, also expose children and women in particular to violent acts by the people closest to them, especially those hosted in overcrowded shelters or with host families. However, owing to current limitations in undertaking proper child protection assessments in the Syrian Arab Republic, there is insufficient information on the exact level of increase in such risks to children. More information is expected by July 2013 following the report of an ongoing inter-agency child protection (remote) needs assessment.

[47] For example, on 1 March 2013 two Palestinians were publicly hanged in Yarmouk, with media reports claiming they were killed for passing information to the Syrian Armed Forces.

[48] Humanitarian agencies have noted an increase in the number of unaccompanied and separated children, and children with disabilities arriving in neighbouring countries over the past few months, indicating that similar patterns may be occurring in the Syrian Arab Republic.

58. Reports have been received regarding the recruitment and use of children in armed conflict,[49] although no conclusive information is currently available regarding the nexus between internal displacement and recruitment. Other serious violations of international law and children's rights which have or may be linked to forced displacement, or may have targeted internally displaced persons, include car bombs near schools; use of schools for military purposes and use of children as human shields; bombing of a local school where people had found refuge; use of heavy weaponry, and alleged use of cluster munitions in densely populated areas, resulting in child casualties; holding children for ransom; and detention, torture and sexual violence against boys and girls, especially when suspected of association with the opposition.[50] As a result of witnessing or experiencing extreme acts of violence, children have suffered great emotional distress and require psychosocial support.

59. There are indications that many internally displaced persons may not have registered their newborns owing to displacement, security constraints or disruptions in the registration system. Given the importance of the birth certificate as a personal identification document that is required to access various rights, flexible systems must be established to issue registrations or alternative attestations or documents, and replace those that have been lost or destroyed. Similar measures may be necessary with regard to other civil status and personal documents, such as death certificates and marriage registrations, especially with respect to young girls. Efforts being undertaken in this regard, such as UNHCR legal services to internally displaced persons are strongly encouraged and require increased support.

## C. Women and girls

60. United Nations monitors have received credible allegations of sexual violence against women and girls being committed during raids, assaults, in detention facilities, at checkpoints, in areas perceived as sympathetic to the opposing side and possibly also during house searches.[51]

61. While fear of sexual violence has been identified as a trigger for displacement, women and girls are also at risk of sexual violence during flight and in the displacement phase, owing to family separation, lack of basic structural and social protections, and limited safe access to services. Risk of sexual violence also increases with the proliferation of small arms and the growing number of armed groups often operating under unclear command structure. Access to services for sexual and gender-based violence survivors is limited by security constraints, availability, distance and restrictions that families impose on the freedom of movement of women and girls. Survivors are also reluctant to report sexual and gender-based violence owing to fear of stigma, social exclusion, honour killings or reprisals.[52]

62. The social and economic impact of the conflict on women and girls, including those internally displaced, has placed them at increased risk of abuse, adoption of

[49] A/HRC/23/58, para. 101; Global Protection Cluster, "Urgent child protection in Syria", May 2013.

[50] A/67/845-S/2013/245, paras. 151-160.

[51] Ibid., para. 160; A/HRC/23/58, paras. 91-95. There are also reports of sexual violence against boys and men, as direct survivors or witnesses.

[52] Global Protection Cluster, "The hidden cost of war in Syria: gender-based violence", April 2013.

harmful coping mechanisms and exploitation owing to pressure to find work in the informal sector. While early and forced marriage of girls existed in some Syrian communities before the war, the practice is now used by some families, including in internally displaced person communities, to better "protect" girls in the absence of male family members and lessen the financial pressure on families. Intimate partner violence is also believed to have increased from pre-war levels, and to increasingly affect women and girls as a result of displacement and conflict-related distress.[52]

# IX. Durable solutions

63. A political resolution to the conflict in the Syrian Arab Republic and a cessation in the fighting are pre-conditions for its stabilization and social and economic recovery. Identifying solutions to the mass displacements that have taken place will also be a key challenge in the recovery of the Syrian Arab Republic — and arguably, to regional stability. While it remains difficult to provide conclusive recommendations on durable solutions to displacement in a country still torn by armed conflict, a number of key principles and considerations remain central to addressing situations of displacement in the Syrian context.

## A. Principles

64. The Guiding Principles articulate the primary duty of competent authorities to establish conditions and provide the means to facilitate durable solutions for internally displaced persons, and, more particularly, to enable the voluntary return, resettlement in another part of the country or local integration of internally displaced persons (Guiding Principle 28). Special efforts must also be made to ensure the full participation of internally displaced persons in the planning and management of the durable solution of their choice and in public affairs, and to protect their right to non-discrimination, including in access to public services (Guiding Principles 28 (2) and 29). Competent authorities have a further responsibility to assist internally displaced persons to recover their property and possessions or provide just reparation or compensation; and to facilitate access for internally displaced persons to international humanitarian and other organizations, including development organizations (Guiding Principles 29 (2), 30).

## B. Considerations in addressing displacement in the Syrian context

65. A number of considerations are central to a strategy for addressing internal displacement in the Syrian Arab Republic. The following, while non-exhaustive, provide suggestions relating to key components of such a durable solution strategy.

### 1. Potential dynamics and movement patterns

66. Factors such as the extent of destruction and lack of services in parts of the country, trauma experienced by internally displaced persons in areas of origin, and the loss of homes, as well as livelihood and economic considerations, are expected to influence decisions relating to durable solutions in the Syrian Arab Republic. Such considerations, combined with the possible fear of discrimination and potential sectarian divisions and affiliations, whether as a direct outcome of the war or as a

self-protection strategy by communities, are likely to entail significant changes to the demographic distribution and character of the country, and pose a threat to its future stability, particularly if not addressed promptly.

67. The increasingly complex nature of the war and the weakened capacity of the State to reintegrate and service so many internally displaced persons in a context of mass destruction also raise the possibility of a protracted displacement situation. This risk, which becomes greater with the prolongation of the war, would have dire consequences for internally displaced persons and grave domestic and potentially regional implications. Strong and unequivocal statements rejecting extremism and sectarian violence, and in support of a political solution to the conflict that guarantees political inclusiveness and human rights, especially by actors with influence on the parties to the conflict, can provide an impetus for progress towards peace and solutions to displacement.

### 2. Profiling and data collection

68. Profiling exercises to determine the needs, capacities and intentions of internally displaced persons can provide valuable information relevant to the planning and management of future population movements and durable solutions. In particular, data collection can inform planning processes, which can contribute to the improvement of absorption capacity and conditions for integration and recovery, thereby mitigating the risk of protracted, multiple or secondary forced displacements.

### 3. The urban dimension

69. The urban dimension of the displacement situation in the Syrian Arab Republic is expected to figure prominently in future displacement-management and recovery strategies: a significant percentage of internally displaced persons are either from urban areas or have sought refuge there; the destruction of infrastructures and services has severely affected urban systems; and internally displaced persons are likely to seek durable solutions to their displacement in such areas, often seen as offering better livelihood opportunities and access to services.[53] This will require the implementation of specific safeguards, and urban planning and management expertise, to minimize health and other risks related to densely populated areas and the likely proliferation of informal urban settlements (slum housing on land that residents do not own) providing no security of tenure, and inadequate housing and access to services.

### 4. Housing, land and property issues

70. An estimated 1.2 million houses have been damaged or destroyed, the majority in impoverished neighbourhoods in conflict areas, such as the Governorates of Aleppo, Damascus, Dara'a, Dayr al-Zawr and Homs.[54] Parties to the conflict have engaged in deliberate targeting, bombing and pillaging of opponents' homes and businesses, and property left behind by internally displaced persons has been appropriated by armed groups and soldiers, in breach of Guiding Principle 21.[55] Such violations of housing, land and property rights are likely to have considerable

[53] United Nations Human Settlements Programme (UN-Habitat), "Urban Syria: urban snapshots", No. 1, June 2013.

[54] Syria Needs Analysis Project.

[55] A/HRC/23/58, paras. 127-135.

implications for durable solutions, including returns, given their importance to livelihoods and housing solutions. Internally displaced persons also face risks in relation to housing, land and property rights owing to other factors such as the loss of property records or rental agreements. Many internally displaced women and children who have lost their primary income earners, typically the male head of household to whom property titles and agreements are attached, may also be at risk of being disinherited or otherwise losing their home or properties.

71. Internally displaced persons wishing to return to their homes and reclaim their property will require assistance. It may include shelter materials, grants and vouchers for the rehabilitation or reconstruction of their homes and essential non-food items. In the provision of housing assistance, due regard must be paid to avoid providing assistance in a manner that causes tensions within receiving communities, which may also have urgent housing needs or competing rights and claims.

72. Key measures and considerations to protect the housing, land and property rights of internally displaced persons may include, inter alia, a temporary moratorium on evictions from informal settlements and housing arrangements, where no adequate housing alternative exists; the establishment of special mechanisms enabling rapid property restitution or compensation; flexible systems for proof of housing, land and property rights where documentation was destroyed, lost or never formally registered; flexible and holistic approaches to housing assistance which include accessibility to basic services and livelihoods; strategies to manage the likely large influx, and related risks, of returning internally displaced persons to existing or new informal settlements, particularly in urban areas; and advocating with all parties to the conflict to cease violations of housing, land and property rights and protect the property of internally displaced persons.

#### 5. Addressing traditional gaps in innovative ways

73. A number of gaps in addressing internal displacement, and particularly durable solutions, have long persisted and continue to impact the effectiveness of national and international responses. Two such gaps are, notably, the difficulty in securing assistance to internally displaced persons living outside of collective sites, such as internally displaced person camps or collective shelters, and to their host families and communities; and the need for effective cooperation between humanitarian and development actors in support of durable solutions for internally displaced persons and their receiving communities — a pressing issue for Syria given the damage to infrastructure, services and the economy. In addition to addressing material damage and needs, the extent of human suffering and trauma experienced calls for psychosocial support services, a national dialogue process conducted with full respect for human rights and other measures that can address these aspects that are too often neglected or underfunded but essential to resilience and recovery.

## X. Conclusions and recommendations

### A. Conclusions

74. After over two years of the Syrian conflict, the increasing gravity of the violations of international human rights and humanitarian law, and the resulting displacement and destruction, continue to exceed our worst expectations. The

consequences have been devastating at every level, human, social and economic. While the provision of life-saving humanitarian assistance has expanded over time, it remains inadequate to meet the rapidly escalating humanitarian needs in the country. Moreover, important constraints persist with regard to humanitarian access owing to security and bureaucratic and administrative impediments.

75. The continued escalation of violence, the fragmentation of armed groups, the collapse of public services, the loss of livelihoods and food insecurity are likely to lead to further displacement. There are indications that the conflict is becoming sectarian in nature. The capacity of the international community to continue funding the urgent humanitarian needs provoked by the conflict in the Syrian Arab Republic may eventually diminish, requiring non-humanitarian funding sources. Durable solutions to displacement will require innovative measures and support by various sectors of the international community, including development actors. The humanitarian imperative to provide urgently needed humanitarian assistance must continue to prevail, including through strengthened international coordination and action by the humanitarian community. However, those efforts must be accompanied by the recognition that there is no humanitarian solution to the crisis, and that finding a peaceful political solution founded on respect for international law is the humanitarian imperative incumbent upon all.

## B. Recommendations

76. In view of the above, the Special Rapporteur makes the following recommendations:

To all parties to the conflict:

(a) **Join and participate in the peace process in a constructive spirit, guided by a commitment to human rights, a genuine desire for peace, and to establishing conditions which will prevent further displacement and promote durable solutions;**

(b) **Call for, and enforce, strict compliance with international humanitarian law and human rights law, including the prohibition of forced displacement for reasons related to armed conflict, and with the humanitarian rules of distinction (affording protection to civilians), proportionality and precaution in attack. This should include, inter alia, taking measures to ensure the prevention of indiscriminate attacks on the civilian population; giving timely and proper warning ahead of military operations; ensuring safe passage out of the theatre of hostilities and the evacuation of wounded persons; and ensuring the delivery of humanitarian assistance. Institute the preceding elements as confidence-building measures to facilitate dialogue and pave the way to a political solution;**

(c) **Facilitate the safe and unimpeded access of humanitarian aid to internally displaced persons and all persons in need, in all areas of the Syrian Arab Republic through the most efficient routes, in line with obligations under international law and the duties and standards provided in the Guiding Principles on Internal Displacement. In particular, take all necessary measures to facilitate cross-line relief aid convoys and assistance, protect humanitarian workers and facilitate their humanitarian mission. Ensure that internally**

**displaced persons are received in satisfactory conditions, with dignity, shelter, food and hygiene;**

**(d) Provide space to United Nations agencies, international non-governmental organizations and non-governmental organizations to develop adequate responses to meet the needs of internally displaced women, children and other groups with specific needs; implement prevention activities through empowerment of the community, psychosocial support and awareness-raising to mitigate risks; and enhance community resilience;**

**(e) Reject extreme elements and sectarian rhetoric as a tactic of war, and reassert the principle of legitimacy through respect for international law, including international human rights and humanitarian law, to avoid further displacement or mitigate it.**

77. To the Government of the Syrian Arab Republic:

**(a) In line with the primary responsibility of national authorities to provide protection and humanitarian assistance to internally displaced persons and persons at risk of displacement or harm or in need, take all necessary actions to facilitate and scale up humanitarian assistance and protection to all affected persons, without distinction and in line with humanitarian principles, international law and the Guiding Principles. Remove bureaucratic hurdles which impede the timely provision of assistance to internally displaced persons and other persons in need, as follows:**

**(i) By accelerating the issuance of visas to humanitarian workers and fast-tracking customs procedures for humanitarian goods and equipment, including communications tools and armoured vehicles;**

**(ii) By lifting the current requirement for Government signatures to authorize humanitarian convoys;**

**(iii) By accelerating approval for the implementation of humanitarian projects, including granting blanket approval for access to sites, and projects in the Syrian Humanitarian Assistance Response Plan;**

**(iv) By immediately lifting restrictions on the delivery and distribution of medical supplies to people in need wherever they are;**

**(v) By authorizing the operationalization of additional humanitarian hubs in key locations, including Dara'a and Qamishly;**

**(vi) By fast-tracking administrative procedures for the establishment of newly approved international non-governmental organizations in the Syrian Arab Republic, and by increasing their overall number;**

**(vii) By expanding the list of national non-governmental organizations allowed to partner with United Nations agencies, and by easing requirements to operationalize implementation of agreements with them;**

**(viii) By authorizing cross-border operations, where these can facilitate the provision of assistance to people, including internally displaced persons, in hard-to-reach locations;**

**(ix) By sharing all available and relevant Government and SARC data on displacement with humanitarian partners;**

**(b) Allow the Independent International Commission of Inquiry to enter the country and conduct investigations, including in relation to internally displaced persons;**

**(c) In cooperation with the international community and civil society, take steps to protect the human rights of internally displaced persons in the Syrian Arab Republic, including vulnerable groups, through measures to address personal documentation, property, education and other needs.**

78. To the international community, humanitarian actors in the Syrian Arab Republic, and donors:

**(a) Redouble efforts to support the peace process on the basis of the final communiqué issued by the Action Group for Syria, the work of the United Nations and the Arab League Joint Special Representative for the Syrian Arab Republic, and international diplomatic efforts with and between neighbouring States and other States with influence on the parties to the conflict, with the aim of arriving at an inclusive Syrian-led national dialogue and political solution that can provide human rights guarantees for all. Include considerations relating to internally displaced persons, in consultation with them;**

**(b) Take measures to counter further militarization of the conflict and resulting displacement by restricting arms transfers, the deployment of foreign fighters and the influence of extremist factions;**

**(c) Sustain and increase support for humanitarian agencies and operations in the Syrian Arab Republic, including financially, by securing the $1.5 billion of aid pledged at the donor conference held in Kuwait on 30 January 2013. Such support is essential to ensure timely and effective humanitarian assistance;**

**(d) Together with relevant national and international actors, including internally displaced persons and affected communities, develop a protection strategy for internally displaced persons and returnees based on a human rights-based approach and in line with international law and the Guiding Principles, which is relevant to protection from forced displacement, protection during displacement and in the context of durable solutions;**

**(e) Enhance humanitarian assistance efforts, in particular as follows:**

**(i) By increasing the quantity and quality of material assistance to internally displaced persons and affected communities, including through expansion of field presences and partnerships with local non-governmental organizations and community-based organizations and other grass-roots organizations;**

**(ii) By supporting efforts with regard to the collection of data on displacement and returnee figures and patterns and the profiling of needs and intentions, including of vulnerable groups, to enhance responses;**

**(f) Promote the participation of internally displaced persons, and the integration of considerations relating to internally displaced persons and durable solutions, in early recovery, national development and other national strategies, reforms or programmes;**

**(g) Strengthen the presence of United Nations agencies and international organizations with diverse mandates in the country, including human rights organizations such as OHCHR (including the Special Procedures), to more effectively address the variety of assistance, human rights, protection, durable solutions and recovery needs in the Syrian Arab Republic. Together with this increased presence, develop distinct, but complementary, implementation strategies towards the various elements of the response to the Syrian crisis and internally displaced persons, including protection in the context of humanitarian assistance; protection more broadly of rights under international human rights and humanitarian law; and an early recovery and development programme inclusive of displacement-affected communities (including women) and based on a partnership between humanitarian and development actors. Articulate and preserve the distinction between the humanitarian, political and human rights entities of the United Nations and other organizations to ensure effectiveness and prevent key processes from being traded off or otherwise diluted in return for space to undertake humanitarian activities;**

**(h) Concerned Governments should consider undertaking more research and a review of the sanctions regime in order to identify ways to avoid or mitigate the negative effects of sanctions and other measures on the Syrian population.**

79. To neighbouring countries:

**Ensure respect for the institution of asylum by maintaining an open border policy in recognition of the right of internally displaced persons to seek asylum in another country (Guiding Principle 15), and the principle of non-refoulement. The establishment of makeshift camps on Syrian territory, even if provided with humanitarian assistance across international borders, cannot be a substitute for the right of internally displaced persons to seek asylum.**

80. To the General Assembly, the Human Rights Council and the Security Council:

**(a) Promote and commit to concrete measures with the aim of achieving a peaceful Syrian-led solution for the country, with the full participation of all stakeholders, as well as displaced persons, including, in particular, displaced women;**

**(b) Support efforts to ensure individual accountability for serious violations of international human rights and humanitarian law, including efforts to stem the prevailing culture of impunity, which is helping to prolong the conflict, and encourage parties to distance themselves from groups responsible for violations;**

**(c) Strengthen efforts to assist and protect the rights of internally displaced persons in the Syrian Arab Republic, including by enabling the Special Rapporteur on the human rights of internally displaced persons to brief the General Assembly and the Human Rights Council periodically on developments related to internal displacement in the Syrian Arab Republic.**